

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUAN COLLADO and JENNY SANCHEZ, *individually and on behalf of others similarly situated,*

Plaintiffs,

-against-

ADOLFO MEAT MARKET CORP. and EUCEBIO ADOLFO MARTINEZ

Defendants.

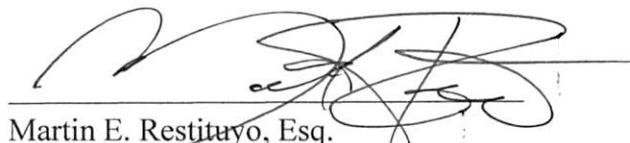
Case No. 1:22-cv-09366 (JMF)

**NOTICE OF MOTION TO
WITHDRAW
DEFENDANTS' MOTION
TO DISMISS**

Defendants, Adolfo Meat Market Corp. and Eusebio Adolfo Martinez (collectively, "Defendants") respectfully notify this Court that they are withdrawing their Motion to Dismiss Plaintiffs' Amended Complaint (ECF Nos. 55 - 57). In said motion, Defendants contend that there was no adverse employment action that warranted the additional claims for retaliation included in Plaintiffs' Amended Complaint. Plaintiffs have made it known to the Defendants that they believe that this is a factual issue that can only be resolved after the completion of discovery. While Defendants disagree with Plaintiff's assertions, a resolution of the issue after the close of discovery would have the added benefit of curtailing any appellate practice.

Accordingly, Defendants respectfully seek to withdraw their motion to dismiss and request two weeks to provide an answer to Plaintiffs' Amended Complaint.

Dated: New York, New York
June 27, 2023



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GRANTED. The Clerk of Court is directed to terminate ECF 55. Defendants shall file their answer to the Amended Complaint, ECF 48, by July 12, 2023.

Dated: June 28, 2023
New York, New York



JESSICA G. L. CLARKE
UNITED STATES DISTRICT JUDGE